

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

OCTOBER 18, 2018

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Rebecca Perkins, City Council Representative; Colby Gamester; Jay Leduc; Jody Record; Jeffrey Kisiel; John P. Bohenko, City Manager; Ray Pezzullo, Assistant City Engineer; Jane Begala, Alternate and Corey Clark, Alternate

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I;

MEMBERS ABSENT: N/A

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the September 20, 2018 Planning Board Meeting – Voted to unanimously approve minutes with minor revisions.

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II. DETERMINATIONS OF COMPLETENESS

A. SITE PLAN REVIEW

1. The application of **Coleman Garland, Owner**, for property located at **185 Cottage Street**, requesting Site Plan approval

Voted to determine that the application for site plan approval is complete according to the Site Plan Review Regulations and to accept it for consideration.

2. The application of **206 Court Street, LLC, Owner**, for property located at **206 Court Street**, requesting Site Plan approval

Voted to determine that the application for site plan approval is complete according to the Site Plan Review Regulations and to accept it for consideration.

3. The application of **Happy Mountain Holdings, LLC, Owner**, for properties located at **64 & 74 Emery Street**, requesting Site Plan approval

Voted to determine that the application for site plan approval is complete according to the Site Plan Review Regulations and to accept it for consideration.

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III. ZONING AMENDMENTS – PUBLIC HEARINGS

A. Amendments to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance regulating Accessory Dwelling Units and Garden Cottages including revisions to Article 8 Supplemental Use Standards Sections 10.814 Accessory Dwelling Units and 10.815 Garden Cottages and revisions to Article 15 Definitions Section 10.1530 Terms of General Applicability.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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B. Amendment to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance, Article 2 Administration and Enforcement by inserting a new Section 10.240 regulating requirements and criteria for granting of a Conditional Use Permit.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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C. Amendments to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance, Article 11 Site Development Standards Section 10.1110 Off-Street Parking including revisions deleting Section 10.1112.52 of Article 11 Site Development Standards and inserting a new Section 10.1112.14 regarding regulation of Conditional Use Permits for Off-Street Parking and minor amendments to Section 10.1112.21, 10.1112.323, 10.1114.33, and 10.1115.20 regarding applicability of parking space requirements for different types of land uses.

Voted to **recommend approval** of the proposed amendments to the City Council.

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IV. PUBLIC HEARINGS – OLD BUSINESS

The Board’s action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

A. The application of **Robert and Whitney Westhelle, Owners**, for property located at **198 Essex Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Voted to **grant** Conditional Use Permit approval as presented.

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B. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Subdivision approval, under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to merge Map 305, Lots 5 & 6 (17.10 acres), Map 305, Lot 1 (13.87 acres), Map 305, Lot 2 (10.18 acres) and a discontinued portion of Goosebay Drive to create Map 305, Lot 6 (43.37 acres). Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000 \pm s.f. footprint; Proposed Building #2: 150,000 \pm s.f. footprint; Proposed Building #3 with a 62,000 \pm s.f. footprint; and two 4-story parking garages, with 55,555 \pm s.f. of impact to the wetland, 66,852 \pm s.f. of impact to the wetland buffer and a 1,000 \pm l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 as Lots 1 & 2 and lies within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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D. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1: 132,000 s.f. footprint and 430,720 s.f. Gross Floor Area; Proposed Building #2: 142,000 s.f. footprint and 426,720 s.f. Gross Floor Area; Proposed Building #3: 62,000 s.f. footprint and 186,000 s.f. Gross Floor Area; and two 4-story parking garages, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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V. PUBLIC HEARINGS – NEW BUSINESS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The application of **John and Joan Rice, Owners**, for property located at **460 F.W. Hartford Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to demolish an existing 120 s.f. (10’ x 12’) wooden deck and construct a 189 s.f. (13’ x 14’6”) Azek and wood deck on the same site, with 189 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 249 as Lot 17 and lies within the Single Residence B (SRB) District.

Voted to **grant** the Conditional Use Permit with the following stipulation:

- 1. Plantings shall be installed around the deck.

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B. The application of **Robert J. and Susan L. Nalewajk, Owners**, for property located at **350 Little Harbor Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to install a 12’ wide security gate on the western side of the lot (used for access from Martine Cottage Road), installation of 255 linear feet of buried electrical conduit from the residence to the proposed gate, and 740 linear feet of buried irrigation line to provide water to proposed landscaped areas, with 1,067 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 16 and lies within the Rural District. (Conditional Use Permit approval was granted by the Planning Board on August 23, 2018).

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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B. The application of **Pease Development Authority, Owner, and Two International Group, Applicant**, for property located at **19 Rye Street #3**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for mitigation and buffer enhancements 1,565 s.f. of brush was inadvertently cleared. Said property is shown on Assessor Map 305, as Lot 4-3 and lies within the Airport Business Commercial (ABC) District.

Voted to **recommend approval** of the Conditional Use Permit with the following stipulation:

1. The applicant shall monitor the site and submit a monitoring plan to the Planning Department one-year after planting occurs. Information in the plan shall describe the success of the plantings. If less than 80% of the plantings survive after one-year, a follow-up planting shall be conducted with another one-year monitoring report due until such a time as the site is established with at least 80% planting success. In addition, the monitoring plan shall document any invasive species in the restoration area and, if found, submit a plan to address the invasive species. Applicant may increase the number of plantings as long as added plantings are of similar species to what was originally approved.

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D. The application of **Coleman Garland, Owner**, for property located at **185 Cottage Street**, requesting Site Plan approval to demolish two existing residential buildings and to construct a 2-story medical office building, with a footprint of 7,000 s.f. and Gross Floor Area of 14,000 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 174 as Lot 14 and lies within the General Residence A (GRA) District.

A. Voted to determine that the application for site plan approval is complete according to the Site Plan Review Regulations and to accept it for consideration.

B. Voted to find that a waiver will not have the effect of nullifying the spirit and intent of the City’s Master Plan or the Site Plan Review Regulations, and to waive the following regulation:

1. Section 8.1 2) Underground utilities – All new and relocated wires, conduits, and cables shall be located underground.

C. Voted to **grant** Site Plan Approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. The Site Plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
2. Stormwater system maintenance requirements of the owner and enforcement oversight by City of Portsmouth shall be documented in a deed restriction.
3. Existing buildings shall be placarded for demolition as required by the demolition ordinance.

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E. The application of **206 Court Street, LLC, Owner**, for property located at **206 Court Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 3 residential units with 2 parking spaces where 4 parking spaces are required. Said property is shown on Assessor Map 116 as Lot 34 and lies within the CD 4-L1 District and the Historic District.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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F. The application of **206 Court Street, LLC, Owner**, for property located at **206 Court Street**, requesting Site Plan approval to construct a 3-story irregular shaped rear addition with a footprint of 767 s.f. and Gross Floor Area of 1,914 s.f. and to convert the use to three dwelling units, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 116 as Lot 34 and lies within the CD 4-L1 District and the Historic District.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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G. The application of **Happy Mountain Holdings, LLC, Owner**, for properties located at **64 & 74 Emery Street**, requesting a Conditional Use Permit approval to construct one two-unit residential building on each lot within the Highway Noise Overlay District. Said property is shown on Assessor Map 174 as Lot 14 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District.

This property is not in the Highway Noise Overlay District. No action was taken.

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H. The application of **Happy Mountain Holdings, LLC, Owner**, for properties located at **64 & 74 Emery Street**, requesting Site Plan approval to construct one two-unit residential building on each lot, each building to be 2-stories with a 2,080 s.f. footprint and a 3,000 s.f. Gross Floor Area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 174 as Lot 14 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on November 15, 2018.

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VI. OTHER BUSINESS

A. Petition to Revoke Site Plan approval for property located at 996 Maplewood Avenue, submitted by James Fernald.

Voted to receive and place the Petition to Revoke Site Plan Approval on file.

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B. Request for Design Review for property located at 125 Austin Street, submitted by Peter J. Loughlin, Attorney, On behalf of the Roman Catholic Bishop of Manchester, Owner.

Voted to accept the Request for Design Review and to schedule a public hearing. This matter will be on the next regularly scheduled Planning Board Agenda on November 15, 2018.

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C. Request for Regional Impact Designation for 70 & 80 Corporate Drive (Lonza) received from the Town of Greenland.

Voted to determine that the expansion project located at 70 & 80 Corporate Drive has potential for regional impact to the communities of Newington and Greenland.

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D. Appointment of Capital Improvement Plan Planning Board Advisory Committee

Chairman Legg, Vice Chairman Moreau and Jeffrey Kisiel were appointed.

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VII. CITY COUNCIL REFERRALS

A. Request for the City to accept a Quitclaim Deed from Mary Beth Hebert for land locked property located off Lafayette Road (on the border of Greenland and Rye).

Voted to recommend that the City Council accept a quitclaim deed from Ms. Hebert for property located at Tax Map 296, Lot 2, land-locked property located off Lafayette Road on the border of Greenland and Rye.

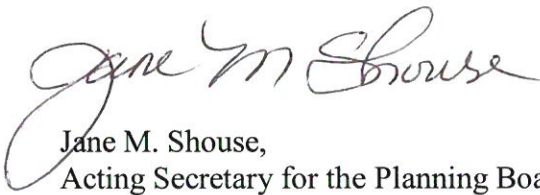
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VIII. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 10:00 p.m.

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Respectfully Submitted,



Jane M. Shouse,
Acting Secretary for the Planning Board